

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Kirkpatrick Clinton Wright,)	
)	
Plaintiff,)	Civil Action No. 6:07-3636-JFA-WMC
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
Sheriff Ray Nash (Sheriff),)	
)	
Defendant.)	
)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On May 6, 2008, the defendant filed a motion for summary judgment. On May 7, 2008, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond to the motion. When the plaintiff did not respond, a second order was filed on June 30, 2008, giving him through July 24, 2008, to file his response. That order was mailed to the plaintiff's last known address (MacDougall Correctional, 1516 Old Gilliard Rd., Ridgeville, SC 29472). The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at MacDougall Correctional Institution.

The record reveals that the plaintiff was advised by order dated December 4, 2007, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

July 7, 2008
Greenville, South Carolina

s/William M. Catoe
United States Magistrate Judge